

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ALAN Y. NEWHOFF, M.D.**

4 Holder of License No. 5841  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-04-0514

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Alan Y. Newhoff, M.D. ("Respondent"), the parties agreed to the following  
10 disposition of this matter.

11 1. Respondent acknowledges that he has read and understands this Consent  
12 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent  
13 Agreement"). Respondent acknowledges that he has the right to consult with legal  
14 counsel regarding this matter and has done so or chooses not to do so.

15 2. Respondent understands that by entering into this Consent Agreement, he  
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on  
17 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18 Board, and waives any other cause of action related thereto or arising from said Consent  
19 Agreement.

20 3. Respondent acknowledges and understands that this Consent Agreement is  
21 not effective until approved by the Board and signed by its Executive Director.

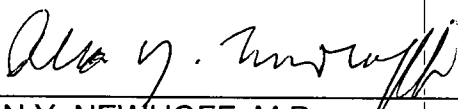
22 4. All admissions made by Respondent are solely for final disposition of this  
23 matter and any subsequent related administrative proceedings or civil litigation involving  
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Respondent acknowledges and agrees upon signing this Consent  
4 Agreement, and returning this document (or a copy thereof) to the Board's Executive  
5 Director, Respondent may not revoke acceptance of the Consent Agreement. Respondent  
6 may not make any modifications to the document. Any modifications to this original  
7 document are ineffective and void unless mutually approved by the parties.

8 6. Respondent further understands that this Consent Agreement, once  
9 approved and signed, is a public record that may be publicly disseminated as a formal  
10 action of the Board and will be reported to the National Practitioner Data Bank and to the  
11 Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise  
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
14 and effect.

15   
16 ALAN Y. NEWHOFF, M.D.

DATED: 12 MAY 05

## **FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 5841 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-04-0514 after receiving notification of a Medical Malpractice settlement made on behalf of Respondent regarding his care and treatment of a 36-year old patient ("SB").

4. On January 4, 2000 Respondent performed a gastric bypass on SB at a hospital in Phoenix, Arizona ("Phoenix Hospital").

5. On January 7, 2000 SB was released from Phoenix Hospital and returned to her home in Yuma, Arizona.

6. On January 9, 2000 SB presented at a hospital in Yuma ("Yuma Hospital") complaining of vomiting. Physicians at Yuma Hospital believed SB's vomiting was caused by her pain medication. SB was treated and released.

7. On January 10, 2000 SB phoned Respondent's office and advised Respondent that she had been vomiting frequently. Respondent told SB not to eat or drink anything until the following morning and then start with liquids.

8. On January 19, 2000 SB presented at the emergency room at Yuma Hospital complaining of severe abdominal pain, nausea, emesis and back pain. A CT scan was performed and a mid-abdominal obstruction was noted.

9. On January 20, 2000, SB was taken by Air Ambulance to Phoenix Hospital where Respondent performed a small bowel resection with jejunojejunostomy.

10. On January 22, 2000 SB was found to have an anastomotic leak from the jejunojejunostomy. The jejunum was drained and the bowel decompressed.

1 11. On January 28, 2000 SB underwent surgical revision of the jejunostomy  
2 tube, drainage of an intraabdominal abscess and debridement of the wound.

3 12. On March 10, 2000 SB underwent an esophagogastroduodenoscopy with  
4 dilation of gastrojejunal anastomotic stricture.

5 13. On March 15, 2000 SB was discharged home.

6 14. The standard of care required that Respondent properly perform a  
7 Roux-En-Y including performance of the jejunojejunostomy anastomosis.

8 15. Respondent deviated from the standard of care because he failed to  
9 complete the standard Roux-En-Y anastomosis by failing to complete the jejunal-jejunal  
10 anastomosis resulting in perforation of SB's bowel.

11 16. SB was harmed because the jejunal-jejunal anastomosis was not properly  
12 performed and SB had to undergo additional surgeries and a protracted and painful  
13 recovery.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over  
16 Respondent.

17 2. The conduct and circumstances described above constitute unprofessional  
18 conduct pursuant to A.R.S. § 32-1401(27)(q) - ("[a]ny conduct or practice that is or might  
19 be harmful or dangerous to the health of the patient or the public.").

20 3. The conduct and circumstances described above constitute unprofessional  
21 conduct pursuant to A.R.S. § 32-1401(27) (II) - ("[c]onduct that the board determines is  
22 gross negligence, repeated negligence or negligence resulting in harm to or death of a  
23 patient.").

**ORDER**

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to complete the standard Roux-En-Y anastomosis.

2. This Order is the final disposition of case number MD-04-0514A.

DATED AND EFFECTIVE this 9<sup>th</sup> day of June, 2005.



ARIZONA MEDICAL BOARD

By

TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed this 9<sup>th</sup> day of June, 2005 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed this 9<sup>th</sup> day of June, 2005 to:

Alan Y. Newhoff, M.D.  
Address of Record

Quality Assurance